





Building Regulations and Codes

PART 5

BUILDINGS REGULATIONS AND CODES

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CHAPTER 1

LICENSES AND FEES; PERMITS, BOND AND INSURANCE

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ARTICLE A
LICENSES AND FEES, PERMITS, BOND AND INSURANCE

SECTION 5-101 LICENSE REQUIRED FOR CONTRACTORS AND JOURNEYMEN.

All contractors, journeymen and apprentices whose activities are regulated by any of the City's building, electrical, plumbing, and mechanical codes in this Part 5 are hereby required to obtain a license or registration certificate from the City before engaging in regulated activities.

Cross Reference: See also Section 5-301, 5-401, and 5-501 respectively for the City's plumbing, electrical and mechanical codes; see Section 5-202 on building contractors. See also Appendix 1 on Fees and Section 8-301 on Dilapidated Buildings, Section 14-201 Street Cuts.

SECTION 5-102 FEES SPECIFIED.

The fees for the registration certificates required shall be as set forth in the fee schedule and may be amended from time to time by motion or resolution of the Council.

Cross Reference: See Appendix 1 of this Code for Fee Schedule.

SECTION 5-103 TERM OF INITIAL LICENSE.

The initial license or registration issued as provided for herein shall be for a term of one year.

SECTION 5-104 LICENSEE PROHIBITED FROM ENGAGING IN ACTIVITIES BEYOND SCOPE OF LICENSE AND RESTRICTIONS.

No licensee shall engage in regulated activities beyond the scope of the license or registration together with any restrictions placed thereon issued to the licensee.

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SECTION 5-121 BUILDING PERMITS.

Whenever any building, structure, facility, or other appurtenance is to be erected, constructed, altered, improved, moved, or removed as provided in the City's building code, a building permit shall be obtained from the City. (Prior Code, Sec. 4-5).

Cross Reference: Also Sec. 12-201 on a building and occupancy permits; 8-301 dilapidated buildings.

SECTION 5-122 EXPIRATION OF PERMITS.

A. If the work described in any permit has not commenced to the foundation or other structural inspection within one hundred eighty (180) days from the date of issuance

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thereof, the permit shall be cancelled by the building official; and written notice thereof shall be given to the persons affected. A new permit must be applied for.

B. If the work described in any permit has not been substantially completed within one (1) year of the date of issuance thereof, the permit shall expire and be cancelled by the building official; and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained. Completion is determined by issuance of an occupancy permit by the City.

C. For swimming pools the time period for substantial completion shall be ninety (90) days from date of issuance.

D. Extensions of time may be applied for to the City Manager for reason of hardship or other cause of delay. Such extensions shall not exceed three (3) months. If the City Manager denies an extension, then an appeal may be made to the City Council by filing a written notice of such appeal with the City Manager within ten (10) days of the date of denial of the extension.

SECTION 5-123 **PLUMBING, ELECTRICAL, MECHANICAL AND OTHER PERMITS.**

Permits for plumbing, electrical, or mechanical work, or other permits as required and as defined by this Code, shall be obtained in accordance with the terms of the respective City plumbing, electrical, and mechanical codes. (Prior Code, Sec. 4-8, in part)

SECTION 5-124 **SCHEDULE OF PERMIT AND INSPECTION FEES.**

Before any permit shall be issued or any inspection shall be made, as required by the City building or technical codes, the recipient of the permit shall pay fee in accordance with the schedules adopted by the City Council by motion or resolution. A copy of the schedules shall be on file in the office of the City Clerk. All references to inspection fees in the technical codes adopted by the City are deleted when replaced by a fee in the fee schedule. (Prior Code, Sec. 4-5, in part.)

Cross Reference: See Appendix 1 of this Code, fee schedule.

SECTION 5-125 **DISPLAY OF PERMITS.**

A. Where a permit is issued under Part 5, an informational sign shall be displayed at the site of the structure to be constructed, enlarged, repaired, remodeled, or demolished. The display shall be on a weatherproof sign face displayed on street frontage of the property (front yard), or displayed on the structure itself. The lettering shall be of sufficient size and color to be legible from the abutting street and shall include the following information: (a) address of property; (b) name and telephone number of emergency contact person; (c) building permit number. The

sign shall be installed before construction starts, and shall be maintained until construction is complete.

B. The building official is hereby authorized to direct the cessation of all work on property upon which the sign described in Section A is not posted. Failure to cease work in compliance with the direction of the building official is an offense.

SECTION 5-126 REVOICATION.

If the work in or about any building or structure shall be conducted in violation of the provisions of this Code or the official building code, the permit issued shall be revoked. It is unlawful to continue to work until such violations shall have been corrected to the satisfaction of the City. (Prior Code, Sec. 43-7)

SECTION 5-127 BUILDING PERMITS, FEES, INSURANCE, EXEMPTIONS.

1. Before the issuance of any residential building permit, the contractor shall furnish a certificate from an Oklahoma licensed insurance company that the contractor has general liability insurance in the amount required for contractors licensed by the Construction Industries Board of the State of Oklahoma (currently \$50,000 combined single limits) and that the applicant has worker's compensation insurance or a worker's compensation exemption verification document.

2. For purposes of this section a residential building permit is defined as any building permit for a single family or two-family residential structure and shall include construction of a new structure, remodel of an existing structure, and the addition to an existing structure, and including roof covering replacement and any other building improvement required a permit under the International Codes as adopted by the City. Not included under the definition of residential building permit are a single-family or two-family carport, patio cover, storage building, accessory building, pool, or fence.

3. This section shall not apply to a person or persons performing the construction or remodeling to his, her, or their own existing single family or two-family on their own property, unless the modifications are being performed by and/or the permit acquired by a general contractor or subcontractor, in which case the general contractor or subcontractor shall meet the requirements of this section.

4. The City Council shall establish by resolution a fee for administration of the provisions of this ordinance which fee shall be added to, assessed, and paid as part of the building permit fee.

5. It shall be unlawful and an offense to perform any of the work described in this section without first obtaining a permit and providing insurance as required in this section. A violation of this section shall be punishable by a fine of not to exceed Five Hundred Dollars (\$500.00) plus court costs.

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SECTION 5-128 PERMIT FEES ASSESSED IN ADDITION TO EXISTING INSPECTION FEES.

1. The City shall charge a state mandated fee for building permits and renewal of such permits which authorized work governed by codes within the purview of the Oklahoma Uniform Building Code Commission (Commission) as follows:

For issuance of permit \$5.00 (or such amount as may be authorized by Commission).

For renewal of permit \$5.00 (or such amount as may be authorized by Commission).

2. Such fees shall be deposited in an account created by the City's Finance director for that purpose.

3. The City shall remit the monies in the account on a monthly basis directly to the State Treasury for deposit in the Oklahoma Uniform Building Code Commission Revolving Fund. Along with the deposits required by this paragraph, the City shall also submit a report stating the total amount of funds collected and the total number of fees imposed during the preceding month. The report shall be made on computerized or manual disposition report as provided by rule of the Commission.

4. Deposits to the Oklahoma Uniform Building Code Commission Revolving Fund shall be due on the twentieth day of each month for the fees collected during the preceding calendar month.

5. The City shall further levy and collect a fee of fifty cents (\$.50) for every construction permit or renewal permit issued. These monies shall be deposited into an account for the sole use of the City. The City shall state the total amount of funds collected and the total number of fees imposed to the State Treasury in the report required by paragraph 3 of this section.

6. The fees levied under this section shall be in addition to all current fees levied by the City for construction permits since all existing fees are inspection and compliance fees to defray the costs of inspections and plan reviews. All existing construction/building permit fees described elsewhere in this Code are hereby declared to be inspection and compliance fees regardless of whether they may be called permit fees or inspection fees.

SECTION 5-129 BUILDING PERMITS FOR ACCESSORY BUILDINGS.

A. A building permit for an accessory building may only be issued after a certificate of occupancy has been issued for the main building on the applicable property.

B. Where an unforeseen hazard involving a vehicular accident, fire, or natural disaster has destroyed both a main building and an accessory building, the person owning the affected property at the time of the unforeseen hazard may, within six (6) months from the date of the unforeseen hazard, obtain a building permit for construction of a new accessory building prior to issuance of a building permit or certificate of occupancy for a new main building, provided (1) the prior accessory building was constructed pursuant to a valid building permit issued by the City, and (2) the owner submits a statement affirming the owner's intention to rebuild the main building on the affected property.

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OTHER REGULATIONS

SECTION 5-141 RIGHT TO ENFORCE AND STOP CONSTRUCTION.

The building official shall have the right to stop the construction of any building or structure, or the alteration, repair, or wrecking of the same, if same is being done in a careless or reckless manner, or in violation of the provisions of this part.

SECTION 5-142 CASES OF URGENCY.

Decisions of the building official in cases where failure to carry out his orders would endanger life and property shall be absolute and Final to the extent allowed by law.

SECTION 5-143 POWER TO MAKE RULINGS.

The building official shall have power to make filings and pass upon questions relating to the use of materials and methods of construction to make the same protective of life and property and in conformance with the intent and purpose of this part.

SECTION 5-144 POWER TO CALL UPON POLICE OR FIRE DEPARTMENT.

The building official shall have authority to call upon the police or fire department in enforcing this part. It shall be mandatory upon any member thereof to act in compliance with and perform such duties as the building official may require.

SECTION 5-145 POWER TO ENTER.

The building official may enter any building or structure whether completed or in the course of construction for the purpose of making inspections.

SECTION 5-146 PENALTY.

Any person who shall engage in any business, trade, or vocation for which a license, permit, certificate, or registration is required by this part, without having a valid license, permit, certificate, or certificate of registration as required, or who shall fail to do anything required by this part or by any code adopted by this part, or who shall otherwise violate any provision of this part or of any code adopted by this part, or who shall violate any lawful regulation or order made by any of the officers provided for in this part, shall be guilty of an offense, and upon conviction thereof, shall be subject to punishment as provided in Section 1-108 of this Code. (Prior Code, Sec. 4-50)

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SECTION 5-147 RELIEF IN THE COURTS.

No penalty imposed by and pursuant to this part shall interfere with the right of the City also to apply to the proper courts of the State for a mandamus, an injunction, or other appropriate action against the person violating this part. (Prior Code, Sec. 4-52)

SECTION 5-148 EFFECT OF VIOLATION BY CORPORATE OFFICERS AND AGENTS.

Violation of any of the terms or provisions of this part by any corporation or association shall subject the officers and agents in charge of the business of such corporation or association to the penalty provided in this part. (Prior Code, Sec. 4-52)

SECTION 5-149 CONVICTION TO BE DEEMED CAUSE FOR REVOCATION OF LICENSES, CERTIFICATES.

Conviction under the provisions of this part shall be deemed just cause for the revocation of any certificate or license which a person may have or hold under the provisions of this part. Examination for reissue of such certificate or license shall be at the discretion of the City Council, but in no event shall be delayed longer than a period of one year.

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CHAPTER 2

BUILDING CODE AND REGULATIONS

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BUILDING CODE

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MOVING BUILDINGS

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Section 5-224	Permit fees.
Section 5-225	Bond required.
Section 5-226	Procedures for permits, approval, disapproval.
Section 5-227	Interference with trees and fixtures.
Section 5-228	Interference with poles and wires.
Section 5-229	Safety precautions and protection of property.
Section 5-230	Time limit.
Section 5-231	Moving buildings through city.
Section 5-232	New infrastructure use fee.

ARTICLE A

BUILDING CODE

SECTION 5-201 ADOPTION OF BUILDING CODE.

1. That a certain document, copies of which are on file in the office of the City Clerk of the City of Piedmont, Oklahoma, being marked and designated as the *International Building Code, 2009*, as published by the International Code Council, as amended, revised and modified by the Uniform Building Code Commission of the State of Oklahoma be and is hereby adopted by the City of Piedmont, Oklahoma, for regulating and governing the minimum standards for

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residential building construction for one and two family dwellings and townhouses within the City providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions, and terms of said *International Building Code, 2009* on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, and changes, if any, prescribed in Section 2 of this ordinance.

2. The following specific appendices of the *International Building Code, 2009* are adopted for use as a reference and clarification of the Code.

Appendix A

Appendix B

Appendix C

Appendix E

Appendix G

Appendix H

Appendix I

Appendix J

Appendix M

Appendix N

Appendix Q

State Law Reference: Power of City of adopt building code, 11 O.S. §14-107; 74 O.S. §324.8.

SECTION 5-202 AMENDMENTS TO BUILDING CODE.

The following additions, amendments or deletions are made to the building code adopted herein.

Section 101.1 Insert: City of Piedmont, Oklahoma.

Section 1612.3 Insert: City of Piedmont, Oklahoma

Section 1612.3 Insert: Most current version.

Section 3410.2 Insert: January 1, 1960

Cross Reference: See Fee Schedule in Appendix 1 of this Code.

SECTION 5-203 PROVISIONS DECLARED TO BE MINIMUM REQUIREMENTS.

The provisions of the Building Code in their interpretation and application shall be held to be minimum requirements adopted for the promotion of public health, safety, and general

welfare. Wherever any of the provisions or requirements of the Code are inconsistent with the provisions of the City Code or State Statutes presently existing or enacted in the future, the provisions or requirements containing the most restrictive regulations shall apply and govern.

SECTION 5-204 ADOPTION OF EXISTING BUILDING CODE.

Repealed by Ordinance No. 573

SECTION 5-205 ENFORCEMENT.

The official designated as being responsible for the enforcement of the City's building codes shall be the Building Official. Those things specified in the code shall be performed by the Building Official. (Prior Code, §4-4)

SECTION 5-206 SWIMMING POOL PERMITS.

A. The provisions of this section are applicable to the construction of public or private swimming pools.

B. Any person who shall build any permanent public or private swimming pool with a water depth in excess of eighteen (18) inches shall make application to the City for a permit therefor. The application shall state the name of the owner of the land and legal description of the land upon which the pool is to be located; shall describe the location of the pool on the land; shall describe the length, width, and maximum depth of the pool; and shall state whether the pool is public or private or both. All such applications shall be submitted to the Building Official who shall inspect the construction if such building permit be issued. The Building Official shall have the same authority as in the construction of structures and as otherwise provided by the ordinances of the City.

C. The fee for the swimming pool permit shall accompany the application. The fee shall be refundable if the application is denied. The applicant for permit shall also pay an inspection fee for each inspection made by the City, including but not limited to plumbing and electrical inspection.

D. Every person or party constructing a swimming pool, public, private, or both, shall at the same time construct a fence no less than four (4) feet in height. Such fence shall be constructed in a manner that the swimming pool is completely surrounded by fence, or building structure, whereby such swimming pool is accessible only through the structure or gate. Such fence shall be of such construction that access to pool areas shall be through gates or building structures.

E. Every person or party maintaining a swimming pool for public use shall make the application herein described. The Building Official shall refer the application to the Planning Commission for report and recommendations to the City Council. The Council shall make

such requirements as it deems necessary and in the best interest of the public health, safety, and welfare.

F. All public swimming pools shall be inspected by the Building Official when the pool is open to the public. All such public pools shall be maintained in accordance with State laws and ordinances of the City.

SECTION 5-207 ADOPTION OF RESIDENTIAL CODE

That a certain document, one copy of which is on file in the office of the City Clerk of the City of Piedmont, being marked and designated as the *International Residential Code, 2003 edition*, including Appendix Chapters A - L, as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Piedmont, Oklahoma, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Residential Code on file in the office of the City Clerk of the City of Piedmont, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, and changes, if any, prescribed in Section 5-208 of this ordinance.

SECTION 5-208 AMENDMENTS TO THE RESIDENTIAL CODE

The following additions, insertions, and changes are adopted to the residential code:

- Section R01.1 Insert: City of Piedmont, Oklahoma.
- Section R301.2(1) Insert: As shown in accompanying tables
- Section P2603.6.1 Insert: Twenty-four (24) inches
- Section P3103.1 Insert: Twenty-four (24) inches

SECTION 5-209 ADOPTION OF PROPERTY MAINTENANCE CODE

1. That a certain document, copies of which are on file in the office of the City Clerk of the City of Piedmont, being marked and designated as the *International Property Maintenance Code, 2006 Edition*, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Piedmont, Oklahoma, for regulating and governing the conditions and maintenance of all property, buildings, and structure; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided,

providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions, and terms of said Property Maintenance Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, and changes, if any, prescribed in Section 2 of this ordinance.

2. The following sections are hereby revised:

Section 101.1. Insert:	City of Piedmont, Oklahoma
Section 103.5. Insert:	as adopted by Resolution of the City Council
Section 302.4 Insert:	12 inches
Section 304.14 Insert:	April 1 to October 1
Section 602.3 Insert:	October 1 to April 1
Section 602.4 Insert:	October 1 to April 1

SECTION 5-210 ADOPTION OF ACCESSIBLE AND USEABLE BUILDINGS AND FACILITIES CODE

The *American National Standards Accessible and Usable Buildings Facilities Code (ICC/ANSI A117.1-2003) 2003 Edition* is hereby adopted by reference and shall apply to all buildings in the City of Piedmont, Oklahoma, within the scope of this Code. Copies are on file in the Offices of the City Clerk of the City of Piedmont, Oklahoma. Any work performed shall comply with the provisions thereof.

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MOVING BUILDINGS

SECTION 5-221 RELOCATION OF BUILDINGS

No building or structure shall be removed or relocated unless such building can be and is made to comply with the requirements of codes and regulations governing the erection of new buildings or structures upon the proposed new location. (Prior Code, Sec. 4-12, in part).

SECTION 5-222 PERMIT REQUIRED TO MOVE BUILDINGS; PROCEDURES

Application for the permit shall contain the following:

A. Except as hereinafter provided, no person shall move any buildings or structures along or across any street, alley, or roadway within the City without a permit therefor from the building official issued in accordance with the provisions of the applicable building codes and this chapter. Except as provided in subsections B and C of this section, no such permit shall be granted to any person except a bonded house mover. Proof of possession of a valid and current state license and the number assigned by the

Oklahoma Corporation Commission shall be provided to the building official prior to issuance of a permit.

B. For buildings not greater than 200 square feet in size and not more than 14 feet tall which are used for non-residential and non-agricultural purposes the provisions of Section 5-226 which requires the mailing of notice to surrounding property owners shall not apply, and the completed application as required by Section 5-223 shall be forwarded to the Planning Commission for review and report, and then to the City Council for approval or denial.

C. For portable buildings for residential uses not greater than 200 square feet in size, no moving permit shall be required.

D. All other buildings being moved into the City of Piedmont shall obtain a moving permit under all the procedures set forth in Section 5-226.

E. Nothing herein shall be construed to authorize the location or use of any building in violation of the zoning ordinances of the City of Piedmont, nor shall this section be construed as an exemption from any of the building, electrical, or plumbing code of the City of Piedmont.

SECTION 5-223 APPLICATION FOR PERMITS

A. The location of the building or structure proposed to be moved, its length, width, and height, and the principal material of its walls and roof, and shall state definitely the route over which it is to be moved, the length of the time required for the removal, and the proposed new location thereof. The building official shall have authority to require any change in such route which he shall deem proper under the circumstances.

B. The applicant must, simultaneously with the filing of the application, file a set of plans and specifications indicating in detail sufficient to enable the building official to determine compliance, all phases of construction, writing, plumbing, etc. concerning the building sought to be moved in and to which the building code, plumbing code, gas code, and electrical code adopted by the City pertains.

C. The building official shall examine the plans and specifications left with the City Clerk and shall, if such plans and specifications comply with such building code and this chapter, endorse his approval thereon as being in full compliance therewith; otherwise, such inspector shall endorse his disapproval thereof and specify in a separate letter to be attached to such plans, the particulars in which such plans and specifications failed to comply with the minimum standards embodied in such building code hereinabove referred to. In the latter event, no permit shall be issued until amended plans and specifications are filed moving the objectionable features so noted. (Prior Code, Sec. 4-13, as amended)

SECTION 5-224 PERMIT FEES

Before any permit to remove a building or structure is granted under the provisions of this section, the applicant for such permit shall pay a fee as provided in the fee schedule. Permit fees are not returned upon disapproval of a permit. (Prior Code, Sec. 4-13)

SECTION 5-225 BOND REQUIRED

Before any person shall be granted a permit for the moving of any building or structure as provided in this chapter, he shall file with the City a bond in the sum as set in the City's bond schedule which shall run in favor of the City, and any private person sustaining damages under the conditions thereof shall be entitled to sue thereon in his own name. The bond shall be conditioned, among other things, that if such permittee is granted the permit, he shall promptly pay all damages and for all injuries that may accrue to any person or property, either public or private, within the City when such injury or damages are inflicted by the permittee, or his agents, servants, employees, workers, contractors, or subcontractors, and such bond shall be conditioned also that the permittee will save, indemnify, and protect the City from all liability which may arise, either directly or indirectly from the moving of any building or structure by the permittee, his agents, servants, employees, workers, contractors, or subcontractors, and that the permittee will in all respects comply with the ordinances of the City in regard to the moving of buildings or structures, and to the use or obstruction of the streets and other public places of the City.

SECTION 5-226 PROCEDURES FOR PERMITS, APPROVAL, DISAPPROVAL

A. The Clerk shall forward the application and all accompanying data to the Planning Commission after it has been determined that the application is complete. The Planning Commission shall, with the assistance of the Clerk, send written notice to all property owners within a three hundred (300) foot radius of the property to which the building or structure is to be moved at least ten (10) days prior to the meeting at which the application is to be considered unless all property owners file a written consent and waiver of this requirement with the application. The members of the Planning Commission may personally view the building or structure, and may seek the assistance of the building official to this end. The Planning Commission shall recommend approval or disapproval of the permit and forward its recommendation to the City Council along with the application and all data reviewed.

B. At least ten (10) days prior to the meeting at which the application is to be considered by the City Council, the Clerk shall send written notice to all property owners within a radius of three hundred (300) feet of the property to which the building or structure is to be moved. The notice shall contain the legal description of the property involved, the name of the applicant, the date, time, and place of the meeting, and the subject matter of the application. This subsection shall not apply if all property owners have previously filed a written consent and waiver of this requirement with the application as provided for in this article.

C. The Council may approve or reject such permit and in that determination shall consider the Planning Commission recommendations. The City Council shall refuse to issue a permit if:

- (1) Any application requirement has not been complied with.
- (2) The building is too large to move without endangering persons or property in the City.
- (3) The building is in such a state of deterioration or disrepair, or is otherwise to structurally unsafe that it could not be moved without endangering persons and property in the City.
- (4) The building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the City.
- (5) Zoning or other ordinances would be violated by the building in its new location.
- (6) The building is not of a similar structure as houses in the immediate area.

D. If any mover, his agents or employees, shall, while acting within the scope of this chapter, damage or destroy any public or private property and fail or refuse to repair, renew, or pay for the same, or shall fail or refuse to pay for the expense of the raising, cutting, or repair of any electric wire or cable, or the removal and replacement of any pole bearing the same as required by the terms of this chapter, a written claim containing a statement of such damages or expense may be filed with the building official who shall investigate the same. If the building official finds the same to be just and reasonable, no further permits within the scope of this chapter shall be issued to such mover until the claim is satisfied. Denial of such permit may be appealed to the City Council by filing a notice of appeal with the building official and City Clerk within ten (10) days of the date of denial. (Prior Code, Secs. 4-13 to 4-15, in part)

SECTION 5-227 INTERFERENCE WITH TREES AND FIXTURES

No tree on any street shall be removed or the branches of any tree be cut or trimmed in order to facilitate the moving of any building, except with the consent and under the supervision of the City. No fixture on any street or alley shall be moved, displaced, or otherwise interfered with to facilitate the moving of any building except with the consent and under the supervision of the building official.

SECTION 5-228 INTERFERENCE WITH POLES AND WIRES.

Whenever for the purpose of facilitating the moving of any building or structure it is necessary to raise or cut any telephone or telegraph wire or cable or any electric wire, or move

any pole bearing any such wire or cable, it is the duty of the moving having charge of the moving of such building or structure to give the person owning or operating the poles, wires, or cables at least twenty-four (24) hours notice of the time, place, when, and where the removal or such poles or the raising or cutting of such wires or cables will be necessary. After the service of the twenty-four (24) hour notice it is the duty of the person owning or operating the poles, wires, or cables to furnish competent workers or linemen to remove such poles or raise or cut such wires or cables. The regular wages of the workers or linemen while engaged at such work shall be paid by such movers. No mover shall raise, cut, or move any such pole, wire, or cable unless the persons or authorities owning or having control of the same fail or refuse to do so after such notice. Only competent workers or linemen shall be employed in such work, and the same shall be done in a careful and workmanlike manner, and the poles, wires, or cables promptly replaced and damages thereto promptly repaired at the expense of such mover.

SECTION 5-229 **SAFETY PRECAUTIONS AND PROTECTION OF PROPERTY**

No building or structure shall be allowed to remain at a standstill in any public street or other public place for a longer period than twenty-four (24) hours without the consent in writing of the building official. When any building or structure is left in any street at night, two (2) or more approved warning lights or signals shall be conspicuously posted at each end of such building or structure so as to give warning in both directions of the street. All other obstructions left in the street shall be safeguarded by similar lights or signals. All such lights and signals shall be in good working order when posted, and shall be securely placed in position. No such building, structure, or other obstruction shall be left standing at night in any street intersection. The Chief of the Fire Department and the Chief of Police shall be notified of the location of any such building or structure left standing in the street at night. When necessary to protect pavement or sidewalk, planks of sufficient size and thickness to prevent injury to such pavement or sidewalk shall be laid for the wheels of the moving trucks to travel on. The Building Official shall have the power to require the use of any precautionary measures than those specifically mentioned in this Chapter when necessary or proper to protect life, limb, or property.

SECTION 5-230 **TIME LIMIT**

At the time of application for a moving permit, it is the duty of the mover of the building or structure to estimate the reasonable time required for the moving of the building from its present location to its proposed location. He shall state in his application for permit what the applicant deems to be such reasonable time. The route and time allowed for the moving of the building shall be determined and fixed by the City Manager. The permit shall especially provide that the building shall be, from the time any part of the street is used for the moving of same, cleared from any and all of the streets of the City within a specified number of days specified therein, Sundays and holidays excepted. The mover shall bind himself to pay the sum as set by the City per day for each and every day all or part of the building or structure remains on the street in excess of the number of days allowed in the permit, and his cash deposit shall, in addition to his bond, be secondarily liable for the payment of the amount. Nothing but an act of God shall be a defense against the payment of these sums.

Building Regulations and Codes

SECTION 5-231 MOVING BUILDINGS THROUGH CITY

It is unlawful for any person to move, transfer, or place any building, structure, or mobile home through the corporate limits of the City without first obtaining a permit from the City Manager.

SECTION 5-232 NEW INFRASTRUCTURE USE FEE

A. The City Council of the City of Piedmont, Oklahoma, and the Piedmont Municipal Authority find and recommend that the costs of future improvements and expansion to the City should be borne by the users whose demand has created the need for future expansion and improvements. The City Council desires to establish a mechanism through which to finance the future growth and expansion of the City's water system, wastewater system, and roadways to continue providing quality infrastructure for its citizens. Upon recommendation of its professional staff and consultants, based further on recommendation of the City's Planning Commission and Piedmont Municipal Authority, the City Council has and does hereby determine that such costs should be, in the future, imposed upon the development of land with the collection of an infrastructure use fee herein to be collected at the date of issuance of the building permit on each residential lot. The City Council finds that there are a number of vacant lots in approved subdivisions and future subdivisions, either platted or soon to be platted, the development of which will impose an increased demand on the City's water, wastewater, and roadway systems, and the City Council therefore finds that it is necessary to adopt the provisions of this infrastructure use fee for the imposition of appropriate costs on such lots and future developments.

B. There is hereby established and imposed a New Infrastructure Use Fee to be levied and collected on new residential construction as set forth herein:

1. For new residential construction the sum of Seven Hundred Fifty Dollars (\$750.00). The amount of such fee shall be reviewed by the City Council of the City of Piedmont at least once annually after July 1, 2007, to determine the need for any adjustments to the fee.

2. The fee imposed herein shall be collected at the time a building permit is issued for construction.

3. The funds collected from the imposition of this infrastructure use fee shall be used for the future expansion and improvements of the City's water, wastewater, and roadway systems. Funds collected shall be paid into the water, wastewater, and roads capital improvement account and accounted separately therein. Such funds and the interest accruing thereon shall be used exclusively for expansion, improvements, and to pay debt service obligations issued to finance said future improvement and expansion of said water, wastewater, and roadway systems.

Building Regulations and Codes

C. The new Infrastructure Use Fee established by subsection A, above, shall be waived for owners of property as of May 24, 2011 whose residential structure was damaged or destroyed by the May 24, 2011 tornado and who apply for a building permit within six (6) months after May 24, 2011 to construct a new residential structure on the same property as their damaged or destroyed residence.

CHAPTER 3

PLUMBING CODE AND REGULATIONS

ARTICLE A

GENERAL PROVISIONS

Section 5-301	Plumbing code adopted.
Section 5-302	Amendments to the plumbing code.
Section 5-303	Administration.
Section 3-304	Dangerous and unsanitary construction.
Section 5-305	Violations and penalties.
Section 5-306	Adoption of private sewer disposal code.
Section 5-307	Amendments to private sewage disposal code.

ARTICLE B

PLUMBERS' REGISTRATION

Section 5-311	Definitions.
Section 5-312	License and registration required; regulations.
Section 5-313	Registration fee, surety bond.
Section 5-314	Issuance of plumbers' registration certificates.

State Law Reference: Plumbers and plumbing generally, 59 O.S. § 1991, et seq.

SECTION 5-301 PLUMBING CODE ADOPTED

That a certain document, copies of which are on file in the office of the City Clerk of the City of Piedmont, being marked and designated as the *International Plumbing Code, 2006 Edition*, including Appendix Chapters B through F, as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the City of Piedmont, Oklahoma, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions, and terms of said Plumbing Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, and changes, if any, prescribed in Section 5-302 of this ordinance.

SECTION 5-302 AMENDMENTS TO THE PLUMBING CODE

The following sections are hereby revised:

- Section 101.1 Insert: City of Piedmont, Oklahoma.
- Section 106.6.2 Insert: as adopted by Resolution of the City Council.
- Section 106.6.3 Insert: 50% and 50%
- Section 108.4 Insert: \$500.00, 0 days
- Section 108.5 Insert: \$500.00 - \$500.00
- Section 305.6.1 Insert: 24 inches
- Section 904.1 Insert: 24 inches

Cross Reference: See Fee Schedule, Appendix 1 of this Code.

SECTION 5-303 ADMINISTRATION

The administration and enforcement of this Chapter shall be the responsibility of the plumbing official who shall be the Building Official, or his designee, unless another official is appointed.

SECTION 5-304 DANGEROUS AND UNSANITARY CONSTRUCTION

A. Any portion of a plumbing system found by the plumbing official to be unsanitary as defined herein is hereby declared to be a nuisance.

B. Whenever brought to the attention of the City that any unsanitary conditions exist or that any construction or work regulated by this code is dangerous, unsafe, unsanitary, a nuisance or a menace to life, health, property, or otherwise in violation of this code, City personnel may request an investigation by the plumbing official who, upon determining such information to be fact, shall order any person using or maintaining any such condition or responsible for the use or maintenance thereof to discontinue the use or maintenance thereof or to repair, alter, remove, or demolish same as the plumbing official may consider necessary for the proper protection of life, health, or property, and in the case of any gas piping or gas appliance may order any person applying gas to such piping or appliance to discontinue supplying gas thereto until such piping or appliance is made safe to life, health, or property. Every such order shall be in writing, addressed to the owner, agent, or person responsible for the premises in which such condition exists and shall specify the date or time for compliance with such order.

C. Refusal, failure, or neglect to comply with any such notice or order shall be considered a violation of this code.

D. When any plumbing system is maintained in violation of this code and in violation

any notice issued pursuant to the provisions of this section, or where a nuisance exists in any building or on a lot on which a building is situated, the plumbing official shall institute any appropriate action or proceeding in any court of competent jurisdiction to prevent, restrain, correct, or agate the violation or nuisance.

SECTION 5-305 VIOLATIONS AND PENALTIES.

A. Any person violating any provisions of this code shall be deemed guilty of an offense, and upon conviction thereof shall be punishable as provided in Section 1-108 of this code, or by revocation of the plumber's license, or by both fine and revocation of he plumber's license. Each separate day or any portion thereof during which any violation of this code occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punished as herein provided.

B. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for or on approval of any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid, except insofar as the work or use which it authorized is lawful.

SECTION 5-306 ADOPTION OF PRIVATE SEWER DISPOSAL CODE.

That a certain document, one copy of which is on file in the office of the City Clerk of the City of Piedmont, being marked and designated as the *International Private Sewage Disposal Code, 2003 edition*, including Appendix Chapters A and B, as published by the International Code Council, be and is hereby adopted as the Private Sewage Disposal Code of the City of Piedmont, Oklahoma, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of individual sewage disposal systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Private Sewage Disposal Code on file in the office of the City Clerk of the City of Piedmont, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, and changes, if any, prescribed in Section 5-307 of this ordinance.

SECTION 5-307 AMENDMENTS TO PRIVATE SEWAGE DISPOSAL CODE.

The following sections are hereby revised to read as follows:

Section 101.1 Insert: City of Piedmont, Oklahoma.

Section 106.4.2 Insert: As adopted by Resolution of the City Council.

Section 106.4.3 Insert: 50%, 50%

Section 108.4 Insert: \$500.00 - 0 days

Section 108.5 Insert: \$500.00\$ - \$500.00

Section 405.2.5 Insert: 7 days after observation begins

Section 405.2.6 Insert: 7 days after observation begins

ARTICLE B

PLUMBERS' REGISTRATION

SECTION 5-311 DEFINITIONS.

As used herein:

1. "Apprentice or plumber's apprentice" means any person sixteen (16) years of age or over who is engaged in learning and assisting in the installation of plumbing under the direct supervision of a licensed journeyman plumber or plumbing contractor.

2. "Journeyman plumber" means any person who performs the manual work of installing plumbing under the direction of a master plumber or plumbing contractor. This definition may be construed to mean any person who has qualified and is licensed under the Oklahoma State Plumbing Licensing Law to act as a journeyman plumber according to the requirements of the Oklahoma State Plumbing Licensing Law.

3. "Plumbing contractor" means any person skilled in the planning, superintending, and practical installation of plumbing and is familiar with the laws, rules, and regulations governing the same. The definition may be construed to mean any person who has qualified and is licensed under the Oklahoma State Plumbing Licensing Law, who may operate as an individual, a firm, partnership, or corporation to engage in the business of plumbing, or the business of contracting to do, or furnish labor or labor and materials for the installation, repair, maintenance, or renovation of plumbing, according to the requirements of the Oklahoma State Plumbing Licensing Law.

State Law Reference: State Plumbing Licensing Law, 59 §§1001, et seq.

SECTION 5-312 LICENSE AND REGISTRATION REQUIRED; REGULATIONS.

A. No person shall conduct, carry on, or engage in the business of plumbing or act in the capacity of a plumbing contractor with the City without first having had issued to him a valid and unrevoked plumbing contractor's license by the Oklahoma State Health Department and a current plumbing contractor's registration certificate issued by the City.

B. No person shall labor at the trade of plumbing in the capacity of a journeyman plumber within the City without first having had issued to him a valid and unrevoked journeyman plumber's license by the Oklahoma State Health Department and a current journeyman plumber's registration certificate issued by the City.

C. No person shall labor at the trade of plumbing in the capacity of an apprentice plumber within the City without first having had issued to him a valid and unrevoked apprentice plumber registration certificate by the Oklahoma State Health Department and a current apprentice plumber registration certificate issued by the City.

Building Regulations and Codes

D. This section shall not apply to the owner of a single-family dwelling for necessary repairs, additions, or alterations to plumbing of such dwelling, excluding connections to meters or mains, or work within a public easement or right-of-way.

SECTION 5-313 REGISTRATION FEE, SURETY BOND.

Every person applying for a City plumber's certificate shall, upon acceptance of his qualifications by the City at the time he makes such application, pay to the City the fees as provided in the fee schedule.

SECTION 5-314 ISSUANCE OF PLUMBER'S REGISTRATION CERTIFICATES.

The City shall issue plumbing certificates of registration pursuant to the following provisions:

1. A plumbing contractor's certificate shall be issued to every person who makes application for such certificate, pays the required fee, and presents a valid, unrevoked license issued by the Oklahoma State Health Department for contractor status. The applicant shall also post the required bond with the City.

2. A journeyman plumber's certificate shall be issued to every person who makes application for such certificate, pays the required fee, and presents a valid, unrevoked license issued by the Oklahoma State Health Department for journeyman status.

3. An apprentice plumber's certificate shall be issued to every person who makes application for such certificate, pays the required fee, and presents a valid, unrevoked license issued by the Oklahoma State Department of Health for apprentice plumber status.

CHAPTER 4

ELECTRIC CODE

ARTICLE A

GENERAL PROVISIONS

Section 5-401	Adoption of National Electric Code.
Section 5-402	Provisions declared to be minimum requirements.
Section 5-403	Electrical installation permit required; exception.
Section 5-404	Inspection, not to conceal.
Section 5-405	Denial of permit; certificate of inspection, utility companies.
Section 5-406	Wiring protection; when inspected.
Section 5-407	Defective workmanship and materials.
Section 5-408	Inspection no relief from responsibility.

ARTICLE B

ELECTRICAL CONTRACTORS AND ELECTRICIAN'S REGISTRATION

Section 5-421	Definitions.
Section 5-422	Registration required.
Section 5-423	Classification of registration certificate.
Section 5-424	Registration fee, annual renewal fee.
Section 5-425	Journeyman electrician's registration certificate.
Section 5-246	Electrical apprentice's registration certificate.

ARTICLE A

GENERAL PROVISIONS

SECTION 5-401 ADOPTION OF NATIONAL ELECTRICAL CODE.

The *National Electric Code (NFPA 70) 2005 Edition* is hereby adopted by reference, and copies are on file in the office of the City Clerk of the City of Piedmont, Oklahoma. Any electrical work performed shall comply with the provisions thereof.

Building Regulations and Codes

SECTION 5-402. PROVISIONS DECLARED TO BE MINIMUM REQUIREMENTS.

The provisions of the National Electrical Code, latest edition, in their interpretation and application shall be held to be minimum requirements adopted for the promotion of public health, safety and general welfare. Wherever any of the provisions or requirements of the National Electrical Code are inconsistent with the provisions of the city code or state statutes presently existing or enacted in the future, the provisions or requirements containing the most restrictive regulation shall apply and govern.

SECTION 5-403. ELECTRICAL INSTALLATION PERMIT REQUIRED; EXCEPTION.

A. No person shall begin work on any electrical facilities installation within the corporate limits of the city without first securing the required permit from the electrical inspector; however, no permit shall be required for minor work such as repairing flush switches, replacing fuses, replacing light fixtures and receptacles.

B. Permits shall be issued only to electrical contractors with current unrevoked state licenses and current unrevoked city registration certificates or to homeowners who qualify as set forth herein.

SECTION 5-404. INSPECTION, NOT TO CONCEAL.

A. In making inspection of new work "rough-in", the electrical inspector shall leave a tag in the cabinet plainly stating whether the work has been approved and is ready to conceal, or that work is not standards and must not be covered until approved by the electrical inspector.

B. It is unlawful for any person to conceal or cause to be concealed any electrical conductors used for electric lights, heat or power until such time as he knows the work has been approved by the electrical inspector. A tag in the cabinet properly signed and dated so stating the inspector's approval will be sufficient notice.

SECTION 5-405. DENIAL OF PERMIT; CERTIFICATE OF INSPECTION. UTILITY COMPANIES.

A. The electrical inspector shall have and is hereby given the authority to refuse to issue a permit for the installation of electrical facilities in or on any building when, in his estimation, the wiring done or proposed to be done is unsafe or not in accordance with the provisions of this chapter. If after a permit is issued the work installed under such permit for any reason does not comply with the regulations of this chapter, the inspector shall refuse to issue a certificate of inspection.

B. No electric light or power company shall connect to any electrical facilities of any kind whatsoever until furnished with a certificate of inspection or a permit for such connection duly executed by the electrical inspector. All electric light or power companies, whether operating under a regular franchise granted by the city or not, shall, upon written notice from the electrical inspector, disconnect from any circuit or service designated by the notice from the inspector.

C. The electrical inspector shall enforce all the provisions of this chapter whenever he shall be notified by any citizen of any violation of this chapter or of the existence of any dangerous or defective electrical facilities, he shall make an investigation thereof without delay.

Building Regulations and Codes

D. Whenever any electrical facilities are found by the electrical inspector to be unsafe or defective or in an insecure condition, he shall notify the owner or person in control thereof, in writing, to repair or remove the defective facilities, and upon such person's failure to repair or remove same within such time as the inspector may deem necessary, which time shall be stated in such notice, the inspector shall cause the service connected to such facilities to be discontinued. (Prior Code, Sec. 4-34, in part)

SECTION 5-406 WIRING PROTECTION; WHEN INSPECTED.

A. No owner, contractor or worker shall in any manner interfere with any electrical facilities being installed in or on any building. If in the course of the erection of a building the facilities is in such position as to interfere with its erection or completion as called for by the plans, notice shall be immediately given the person installing the facilities, and the needed change shall be made by such person upon approval for such modification by the electrical inspector. Upon inspecting the electrical facilities of any building, the electrical inspector shall leave notice in the form of a tag or label attached to the electrical facilities. The notice shall clearly state whether the electrical facility is approved or is to be kept open for corrections; and no person shall lath, seal or in any way conceal any electrical facility until he is informed and knows that such wiring has been approved.

B. The electrical inspector shall furnish such person or licensed electrical contractor with a certificate, which shall state that such electrical facility is approved only so far as "roughing-in" is concerned, and that it is not the final certificate, and does not entitle the electric light or power company to connect its service to electrical facilities. Certificate entitling the electric light or power company to connect its service to electrical facilities shall be furnished only after all fixtures are in place and final inspection made.

SECTION 5-407 DEFECTIVE WORKMANSHIP AND MATERIALS.

Any person, firm or corporation engaged in the business of electrical contracting for the installation of wiring and apparatus for electric light, heat or power in the city, who fails to correct promptly any defects in any work done by him contrary to this code, after having been notified by the electrical inspector, shall not be issued any further permits until such defects have been corrected; and in any case, in which any person shall continue to or persistently violate the code of the city in regard to electrical work, or the orders of the electrical inspector in relation to same, the registration and permit of such person shall be suspended or revoked.

SECTION 5-408 INSPECTION NO RELIEF FROM RESPONSIBILITY.

This code shall not be construed to relieve or lessen the responsibility of any person, partnership or corporation owning or operating or installing electric wires, appliances, apparatus, construction or equipment for the damage to property or persons injured by any defect therein. Nor shall the city, or any agent thereof, be deemed to assume such liability by reason of the inspection authorized herein or the certificate of inspection issued by the electrical inspector.

Building Regulations and Codes

ARTICLE B

ELECTRICAL CONTRACTORS AND ELECTRICIANS REGISTRATION

SECTION 5-421 DEFINITIONS.

As used in this chapter:

1. "Administrative authority" or "electrical inspector" mean the electrical inspector, or the building official or his designee if no electrical inspector is appointed;

2. "Electrical apprentice" means any person sixteen (16) years of age or older whose principal occupation is the learning of and assisting in the installation of electrical work under the direct supervision of a licensed journeyman electrician or electrical contractor. Each apprentice shall be in possession of a valid electrical apprentice license issued by the state;

3. "Electrical contractor" means any person skilled in the planning, superintending and practical installation of electrical facilities who is familiar with the laws, rules and regulations governing such work. "Electrical contractor" also means any individual, firm, partnership, corporation or business performing skills of an electrical contractor, of an electrician or the business of contracting or furnishing labor or labor and materials for the installation, repair, maintenance or renovation of electrical facilities according to the provisions of the Electrical License Act, Sections 1680 et seq. of Title 59 of the Oklahoma Statutes. Each electrical contractor shall be in possession of a valid electrical contractor license issued by the state;

4. "Electrical facilities" means all wiring, fixtures, apparatus, appurtenances and appliances for and in connection with a supply of electricity within or adjacent to any building, structure or conveyance on the premises but not including the connection with a power supply meter or other power supply source;

5. "Electrical sign contractor" means any person engaged in the business of manufacturing, assembling, wiring, rewiring, installing, erecting, repairing or altering interior or exterior electric signs;

6. "Electrician" means any person engaged in electrical wiring in the city as defined in this chapter; and

7. "Journeyman electrician" means any person other than an electrical contractor who engages in the actual installation, alteration, repair or renovation of electrical facilities unless specifically exempted by the provisions of the Electrical License Act. Each journeyman electrician shall be in possession of a valid electrical contractor license issued by the state.

SECTION 5-422 REGISTRATION REQUIRED.

A. No person shall conduct, carry on or engage in the business of electrical installation, maintaining, altering or repairing any wiring, fixtures or equipment for the conducting of electrical current or act in the capacity of an electrical contractor without first having issued to him a valid and unrevoked electrical contractor's license by the Oklahoma State Health Department and an electrical contractor's registration certificate issued by the city.

Building Regulations and Codes

B. No person shall labor at the trade of electrician in the capacity of a journeyman electrician within the city without first having had issued to him a valid and unrevoked journeyman electrician's license issued by the Oklahoma State Health Department and a journeyman electrician's registration certificate issued by the city.

C. No person shall labor at the trade of electrician in the capacity of an electrical apprentice within the city without first having had issued to him a valid and unrevoked apprentice electrician registration certificate by the Oklahoma State Health Department and an apprentice electrician certificate issued to him by the city. (Prior Code, Sec. 4-54, in part)

State Law Reference: Electrical licensing act, 59 O.S. Secs. 1680 et seq.

SECTION 5-423 CLASSIFICATION OF REGISTRATION CERTIFICATE

There shall be three (3) classes of electrical registration certificates, which shall be known as follows:

1. Electrical contractor;
2. Journeyman electrician; and
3. Electrical apprentice.

SECTION 5-424 REGISTRATION FEE, ANNUAL RENEWAL FEE

A. The registration and renewal fees and bond requirements of electrical contractors, journeyman electricians and electrical apprentices shall be as provided in the fee and bond schedules.

B. Every person applying for an electrical registration certificate shall, upon acceptance of his qualifications by the city, at the time he makes such application, pay to the city the fees as provided in the fees schedule and post bond as required in this chapter.

C. Applicants for registration shall pay to the city the required registration fees. The fees shall be paid after all requirements are met.

D. Annual renewal of registration certificates shall be accomplished by payment of the renewal fees as provided herein. A receipt and registration certificate for the appropriate year shall be issued by the city upon payment of annual renewal fees.

E. A registration certificate shall be issued to the person named on the certificate who shall be known as the holder of the certificate.

F. A registration certificate shall expire annually.

G. Renewal applications and fees must be received by the city prior to the expiration of the certificate or else the applicant must proceed in the manner required of a new or initial applicant.

H. This section shall not apply to the owner of a single family dwelling making

Building Regulations and Codes

necessary repairs, additions or alterations to the electrical wiring of such dwelling. (Prior Code, Sec. 4-54, in part)

Cross Reference: Fee schedule, Appendix 1 of this code.

SECTION 5-425 JOURNEYMAN ELECTRICIAN'S REGISTRATION CERTIFICATE

A. No person shall work as a journeyman electrician unless he holds a valid unrevoked license and registration certificate as provided for herein. No journeyman electrician shall perform any electrical wiring installation except through a licensed and registered electrical contractor and shall perform all installations, alterations and repairs of electrical wiring, fixtures and equipment in accordance with this code.

B. A journeyman electrician's registration certificate shall be issued only to an individual and shall not be transferable or assignable.

C. No person shall allow the use of his journeyman electrician's registration certificate, whether directly or indirectly, by any other person for any purpose.

SECTION 5-426 ELECTRICAL APPRENTICE'S REGISTRATION CERTIFICATE

A. No person shall act or serve as an electrical apprentice as herein defined for more than ten (10) days before he shall have been issued an electrical apprentice's registration certificate.

B. No electrical apprentice shall permit the use of his registration certificate, either directly or indirectly, by any other person for any purpose.

C. Under no circumstances shall an electrical apprentice perform any duty or phase of electrical installation unless a journeyman electrician or electrical contractor is on the project during such installation and such electrical apprentice is directly supervised by a journeyman electrician or electrical contractor.

CHAPTER 5

MECHANICAL CODE

ARTICLE 1

GENERAL PROVISIONS

Section 5-501	Adoption of mechanical code.
Section 5-502	Amendments to mechanical code.
Section 5-503	Permits.
Section 5-504	Provisions declared to be minimum requirements.
Section 5-505	Mechanical official.
Section 5-506	Violations and penalties.

ARTICLE B

REGISTRATION

Section 5-511	Definitions.
Section 5-512	License and registration required.
Section 5-513	Registration fee, surety bond.
Section 5-514	Insurance of registration certificates.

SECTION 5-501 ADOPTION OF MECHANICAL CODE.

That a certain document, copies of which are on file in the office of the City Clerk of the City of Piedmont, Oklahoma, being marked and designated as the *International Mechanical Code, 2006 Edition*, including Appendix Chapter A as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the City of Piedmont, Oklahoma, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions, and terms of said Mechanical Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 5-502 of this ordinance.

SECTION 5-502 AMENDMENTS TO MECHANICAL CODE.

The following sections are hereby revised:

Section 101.1. Insert : City of Piedmont, Oklahoma
Section 106.5.2. Insert: as adopted by Resolution of the City Council
Section 106.5.3. Insert: 50% - 50%
Section 108.4. Insert: \$200.00 - 0 days
Section 108.5. Insert: \$100.00 - \$200.00

Cross Reference: Fee schedule, Appendix 1 of this Code. See also §5-701, et seq. of this Code on gas pipelines and adoption of National Fuel Gas Code.

SECTION 5-503 PERMITS.

A. No person shall engage in any work covered by the mechanical code without first securing a permit from the City.

B. The permit fee shall be as set by the City by motion or resolution.

SECTION 5-504 PROVISIONS DECLARED TO BE MINIMUM REQUIREMENTS.

The provisions of the *BOCA National Mechanical Code*, latest Edition, in their interpretation and application shall be held to be minimum requirements adopted by the promotion of public health, safety, and general welfare. Wherever any of the provisions or requirements of this code are inconsistent with the provisions of the City code or State statutes presently existing or enacted in the future, the provisions of requirements containing the most restrictive regulation shall apply and govern.

SECTION 5-505 MECHANICAL OFFICIAL.

A. The term "administrative authority" or "mechanical official" means the mechanical official, or the Building Official, or his designee if no mechanical official is appointed through the chain of authority that is in effect when applying this code.

B. The administration and enforcement of the mechanical code shall be the responsibility of the mechanical official through the departmental structure that is in effect when applying this code.

SECTION 5-506 VIOLATIONS AND PENALTIES.

A. Any person, firm, or corporation violating any provisions of this code shall be deemed guilty of an offense, and upon conviction thereof shall be punishable as provided by Section 1-108 of the City's Code of Ordinances, or by revocation of the applicable City license. Each separate day or any portion thereof during which any violation of this code occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

B. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the

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provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid except insofar as the work or use which it authorized is lawful. The issuance or granting of a permit or approval of plans shall not prevent the mechanical official from thereafter requiring the correction of errors in the plans and specifications or from preventing construction operations being carried on thereunder when in violation of this code or any other ordinance or from revoking any certificate of approval when issued in error.

ARTICLE B

REGISTRATION

SECTION 5-511 DEFINITIONS.

As used herein, the following terms shall have the meanings respectively ascribed to them in this section:

1. "Apprentice" or "mechanical apprentice" means any person sixteen (16) years of age or older whose principal occupation is learning mechanical work on the job under the direct supervision of a journeyman or contractor;

2. "Mechanical contractor" or "contractor" means any person engaged in the business of planning, contracting, supervising or furnishing labor or labor and materials for mechanical work;

3. "Mechanical journeyman" or "journeyman" means any person other than a contractor or apprentice who engages in mechanical work; and

4. "Mechanical work" means the installation, maintenance, repair, or renovation, in whole or in part, of any heating system, cooling system, mechanical refrigeration system or ventilation system or any equipment or material including process piping used in the installation, maintenance, repair, or renovation of such systems; provided that minor repairs are excluded.

State Law Reference: State Mechanical License Act, 59 O.S. Secs. 1850.1 et seq.

SECTION 5-512 LICENSE AND REGISTRATION REQUIRED.

A. No person shall conduct, carry on or engage in the business of mechanical work or act in the capacity of a mechanical contractor within the city without first having had issued to him a valid and unrevoked mechanical contractor's license by the Oklahoma State Health Department and a current mechanical contractor's registration certificate issued by the city.

B. No person shall labor at the trade of mechanical work in the capacity of a mechanical journeyman within the city without first having had issued to him a valid and unrevoked mechanical journeyman's license by the Oklahoma State Health Department and a current mechanical journeyman registration certificate issued by the city.

C. No person shall labor at the trade of mechanical work in the capacity of a mechanical apprentice within the city without first having had issued to him a valid and unrevoked mechanical apprentice registration certificate by the Oklahoma State Health Department and a current mechanical apprentice registration certificate issued to him by the city.

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D. Any city certificate of registration issued to an applicant shall be issued only in the same category as the state license possessed by the applicant. It shall further be subject to all limitations, conditions or restrictions imposed on the state license possessed by the applicant. The category of the city certificate of registration shall be indicated on the face of the certificate. The categories for certificates of registration shall be the following:

1. Unlimited mechanical air conditioning contractor;
2. Limited mechanical air conditioning contractor;
3. Unlimited heating contractor;
4. Limited heating contractor;
5. Refrigeration contractor;
6. Sheet metal contractor;
7. Natural gas piping contractor;
8. Unlimited mechanical air conditioning journeyman;
9. Limited mechanical air conditioning journeyman;
10. Unlimited heating journeyman;
11. Limited heating journeyman;
12. Refrigeration journeyman;
13. Sheet metal journeyman; and
14. Natural gas piping journeyman.

These categories shall have the same meanings ascribed to them by state law and regulations.

E. Unless sooner revoked or suspended as provided for by this chapter, the city certificate of registration shall be for a term of one year from issuance corresponding with state licensing requirements.

F. A certificate of registration issued to a mechanical contractor or journeyman shall authorize the certificate holder to perform mechanical work only as authorized by state law and regulations adopted pursuant thereto. All mechanical work performed by a mechanical contractor or journeyman shall be strictly limited to the category or categories in which such contractor or journeyman is licensed by the state and registered with the city.

G. This section shall not apply to the owner of a single family residential dwelling performing necessary repairs, additions or alterations to the heat and air or gas service to such dwelling, excluding any work on connections to meters or mains, work within a public easement or right of way. (Prior Code, Sec. 4-55, as amended)

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SECTION 5-513 REGISTRATION FEE, SURETY BOND.

Every person applying for a city mechanical certificate shall, upon acceptance of his qualifications by the city at the time he makes such application, pay to the city the fees as provided in the fee schedule.

Cross Reference: Fee schedule, Appendix 1 of this code.

SECTION 5-514 ISSUANCE OF REGISTRATION CERTIFICATES.

The city shall issue mechanical certificates of registration pursuant to the following provisions:

1. A mechanical contractor's certificate shall be issued to every person who makes application for such certificate, pays the required fee, and presents a valid, unrevoked license issued by the Oklahoma State Health Department for contractor status;
2. A mechanical journeyman's certificate shall be issued to every person who makes application for such certificate, pays the required fee, and presents a valid, unrevoked license issued by the Oklahoma State Health Department for journeyman status; and
3. A mechanical apprentice certificate shall be issued to every person who makes application for such certificate, pays the required fee, and presents a valid, unrevoked license issued by the Oklahoma State Department of Health for apprentice status.

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CHAPTER 5A

COMMUNICATIONS TOWERS

Section 5A-501	Definitions.
Section 5A-502	Exclusion and application process.
Section 5A-503	Criteria for review of applications.
Section 5A-504	Facility requirements.
Section 5A-505	Television and radio broadcast towers.
Section 5A-506	Height of communication tower.

SECTION 5A-501 DEFINITIONS.

1. **ANTENNA AND ANTENNA ARRAY** - The arrangement of wires or metal rods used in transmission, retransmission, and/or receptions of radio, television, electromagnetic, or microwave signals (includes microwave reflectors/antennas).
2. **ANTENNA SUPPORT STRUCTURE OR TOWER** - Any tower, mast pole, tripod, lattice, box frame, or other structure utilized for the purpose of transmission, retransmission, and/or reception of electromagnetic radio, television, or microwave signals.
3. **MICROWAVE REFLECTOR/ANTENNA** - An apparatus constructed of solid, mesh, or perforated materials of any configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. This definition is meant to include, but is not limited to, what are commonly referred to as satellite receive only earth stations (T.V.R.O.S.) or satellite dishes.
4. **COMMUNICATIONS OPERATIONS (AMATEUR)** - The transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain.
5. **COMMUNICATIONS OPERATIONS (COMMERCIAL)** - The transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or financial gain.
6. **APPLICANT** - Any person, corporation, or other establishment seeking an approved location and design for a communications tower and subsequent site.
7. **HEIGHT** - The total elevation of the antenna, whether mounted to a building, tower, or other structure.
8. **TELEVISION AND RADIO BROADCAST TOWERS** - A structure used to house an antenna designed for the transmission or retransmission of radio, television, electromagnetic, or microwave signals, but shall not include Wireless Communications Facilities.

9. **WIRELESS COMMUNICATIONS (FACILITIES)** - Any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services, including cellular personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, and similar services as defined. Wireless Communications does not include commercial broadcast of radio and television signals.

SECTION 5A-502 EXCLUSIONS AND APPLICATION PROCESS.

1. **EXCLUSIONS.**

- A. Any tower installed by a government entity that is for emergency communications systems is exempt from these standards.
- B. Any antenna of less than thirty-five (35) feet in total height is exempt from this ordinance, but subject to existing rules and regulations and building permit requirements.
- C. All existing structures established prior to this ordinance are permitted as they were previously.
- D. All antennas used exclusively for amateur communications are exempt from this ordinance.

2. **APPLICATION FOR COMMUNICATION TOWER CONDITIONAL USE PERMIT.**

- A. All new communication antennas and towers, and radio and television broadcast towers require a conditional use permit if they exceed thirty-five (35) feet in height.
- B. Applications must be made at least thirty (30) days prior to the following planning commission meeting to be heard. All applications must be reviewed by the City Planning and Zoning Commission, and approved by the City Council of the City of Piedmont.
- C. Plans for the entire facility certified by a licensed engineer must be on file with the City building official at the time when application is made. These plans must contain the following:
 - (1) A site plan drawn to scale specifying the location of tower(s), guy anchors (if any), transmission or support building(s), and other accessory uses, parking areas, access roads, and detailed landscaped areas. Plan must also include provisions for proper drainage.
 - (2) A report from a registered structural or civil engineer indicating the tower foundation height and design, structure, installation, and total anticipated capacity of the structure (including the number and types of antennas which could be accommodated). This data shall satisfactorily demonstrate that the proposed tower conforms to all applicable requirements of

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the International Building Codes and American National Standards Institute Standards (ANSI - EIA - TIA - 222).

3. **FEES FOR APPLICATION AND PERMIT.** Application processing fee is One Thousand Dollars (\$1,000.00), which is nonrefundable.

A. Permit fees:

(1) The permit fee for construction of a communications tower will be an additional Two Thousand Five Hundred Dollars (\$2,500.00), payable at the time of requesting the building permit, and said fee is non-refundable.

B. Sales tax:

(1) All commercial tower permits must reflect the City as the point of sale with regard to communications using said tower. Piedmont sales tax shall be collected as required by applicable sales tax ordinances.

4. **LEASING PUBLIC PROPERTIES.** The City of Piedmont encourages applicants to locate antennas on public facilities.

5. **HEARINGS.** All antenna applications will be heard by the planning and zoning commission, and its recommendation shall be forwarded to the City Council for approval or disapproval of antenna applications.

6. **OWNERSHIP LIST REQUIRED.** The application shall submit a list of names and addresses of all record property owners within a three hundred (300) feet radius of the exterior boundaries of the proposed site of the tower. Regardless of the distance requirement, the list shall include the names and addresses of all property owners who own property abutting the parcel on which the tower is located. Where the tower is located on leased property, then the list shall include those persons abutting the entire tract owned by the lessor. (For example: if the tower site is leased from a quarter section of land, then the owners abutting the quarter section would be notified.) The list shall be current and certified by a registered professional engineer, a registered land surveyor, attorney, or a bonded abstractor. Where the proposed tower exceeds one hundred (100) feet in height, then the list of surrounding property owners shall be extended to include those property owners within a radius of the site equal to three times the height of the proposed tower, plus all abutting land owners.

7. **NOTICE OF HEARING.** At least twenty (20) days prior to hearing before the planning and zoning commission the City Clerk shall mail a notice of public hearing to all persons within the areas described above in paragraph No. 6. The notice shall include the following: (a) legal description and approximate street address of area for location of the tower; (b) a brief description of the proposed tower; and (c) date, time, and place of public hearing.

SECTION 5A-503 CRITERIA FOR REVIEW OF APPLICATIONS.

1. All existing antennas must be constructed on public land or facilities on public land,

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unless it is proven by the applicant that this requirement is ineffective, non-feasible, or impossible.

2. If location on public land is not possible, then all new antennas must be erected on an existing communications tower already located in Piedmont, Oklahoma, unless it is proven by the applicant that this requirement is ineffective or not feasible.

3. If co-location on an existing tower or location on public land is not effective, feasible or possible, then the Planning and Zoning Commission and City Council may consider approval of an antenna support structure in Agricultural (A-1), Commercial (C-1, C-2, C-3), or Industrial (I-1, I-2, I-3) zoning districts. The factors to be considered in review are:

- A. Compatibility of tower with existing land uses.
- B. Future land use plans of surrounding properties.
- C. Topography of existing and surrounding property.
- D. Potential for negative impact on surrounding property values.
- E. Conformity with Comprehensive Land Use Plan.

SECTION 5-504 FACILITY REQUIREMENTS.

1. The following general requirements shall apply to all new wireless communications facilities:

A. Noise requirements. Equipment used in connection with a tower or antenna array shall not generate noise that can be heard beyond the site. This prohibition does not apply to air conditioning units no noisier than ordinary residential units or generator used in emergency situations where regular power supply for a facility is temporarily interrupted; provided, that any permanently installed generator shall be equipped with a functional residential muffler.

B. Compliance with federal regulations. Applicant shall comply with all applicable federal regulations. Proof of compliance shall be provided upon request of the Community Development Director.

C. Lighting and signage.

(1) Wireless communications facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Security lighting or motion-activated lighting may be used around the base of a tower and within the wireless communication facility; provided, that the lighting is shielded in such a way that no light is directed towards adjacent properties or rights-of-way. If lighting is FAA required, then dual lighting of strobe and flashing red lights is required.

(2) Signs shall be limited to those needed to identify the property and the owner and warn of danger. No signs, symbols, identifying emblems, advertisements, flags, or banners shall be allowed on towers.

D. New Towers. New wireless communications towers shall meet the following

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requirements:

- (1) *Type of tower allowed.* New towers shall be limited to monopole-type structures capable of supporting at least three antennas.
- (2) *Tower or antenna height limitations.* Towers or alternative tower structures are permitted to a maximum height of 120 feet.
- (3) *Fall zone.* The minimum distance from the base of any tower to the property line on any abutting property shall be 125% of the height of the tower or required setback, whichever is greater. This setback is considered a "fall zone."
- (4) *Camouflaging or stealth technology for new towers.* If the applicant demonstrates that it is not feasible to locate on an existing structure, towers shall be designed to be camouflaged to the greatest extent possible, including but not limited to, use of compatible building materials and colors, screening, landscaping, and placement within trees.
- (5) *Color of towers.* To the extent that any antenna extends above the height of the vegetation immediately surrounding it, they shall be a neutral color, painted or unpainted, unless the FAA requires otherwise.
- (6) *Information required to process new tower requests.*
 - (a) Provide a map of the geographic area that your project will serve;
 - (b) Provide a map that shows other existing or planned facilities that will be used for the wireless communication service provider who is making the application;
 - (c) Provide a map that shows other potential stand alone locations for your facility that have been explored;
 - (d) Provide a scaled site plan containing information showing the property boundaries, proposed tower, existing land use, surrounding land uses and zoning, access road(s) location and surface material, existing and proposed structures and topography. The plan shall indicate proposed landscaping, fencing, parking areas, location of any signage, specifications of proposed lighting of the facility, and specifications for all-weather access road.
 - (e) Describe why the proposed location is superior, from a community perspective, to other potential locations. Factors to consider in the community perspective should include: visual aspects, setbacks, and proximity of single-family residences;
 - (f) Describe your efforts to co-locate your facility on one of the poles or towers that currently exists, or is under construction. The applicant should demonstrate a good faith effort to co-locate with other carriers. The Planning

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Commission may deny a permit to an applicant that has not demonstrated a good faith effort to provide for co-location. Such good faith effort includes:

- (i) A survey of all existing structures that may be feasible sites for co-locating wireless communications facilities;
 - (ii) Contact with all other wireless communications facilities;
 - (iii) Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location; and,
 - (iv) Letter from tower owner stating why co-location is not feasible.
- (g) Describe how you will accommodate other antenna arrays that could co-locate on your facility. Describe how this accommodation will impact both your pole or tower, and your ground-mounted facilities. Provide documentation of your provider's willingness to accommodate other providers who may be able to co-locate on your facility.

(7) *Sight line representation.* A sight line representation shall be drawn from four points 90° apart and 100 feet from the proposed tower. Each sight line shall be depicted in profile, drawn at one inch equals 40 feet. The profiles shall show all intervening trees and buildings.

(8) *Structural integrity and inspections of towers.*

(a) The applicant shall provide a certification letter that states the tower meets or exceeds design criteria and all local, state, and federal requirements regarding the construction, maintenance, and operation of the tower.

(b) If a tower fails to comply with the requirements and criteria above and constitutes a danger to persons or property, then upon written notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such requirements and criteria. If the owner fails to bring such tower into compliance within thirty (30) days, the City may terminate the owner's conditional use permit and/or cause the removal of such tower (at the owner's expenses).

(c) By making application hereunder, the applicant agrees to regularly maintain and keep in a reasonably safe and workmanlike manner all towers, antenna arrays, fences, and outbuildings owned by applicant which are located in the City. The applicant further agrees to conduct inspections of all such facilities not less frequently than every twelve (12) months. The applicant agrees that said inspections shall be

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conducted by one or more designated persons holding a combination of education and experience so that they are reasonably capable of identifying functional problems with the facilities.

(9) *Security fencing and anti-climbing device.* Through the use of security fencing, towers and equipment shall be enclosed by wood board fencing not less than six feet in height. The tower shall also be equipped with an appropriate anti-climbing device. The facility shall place signs indicating "No Trespassing," "High Voltage," or other pertinent information on the outside of the fence, unless it is decided that the goals of this ordinance would be better served by waiving this provision in a particular instance. Barbed wire fencing or razor wire shall be prohibited.

(10) *Vegetative screening requirements.* Wireless communications facilities shall be surrounded by buffers of dense tree growth and understory vegetation in all directions to create an effective year-round visual buffer. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility, or a combination of both.

(11) *Setbacks from property lines.* Wireless communication facilities shall meet current setbacks as required by zoning, plus meet the fall zone requirements.

E. Co-Location. Applicants for co-location shall meet the following requirements:

(1) *Administrative approval of antenna co-locations and locations on other structures.* The Community Development Director, following an administrative review without requiring the issuance of a conditional use permit, may approve the following antenna installation:

(a) Locating on existing structures. Installation of an antenna on an existing structure other than a tower (such as a building, sign, light pole, electric transmission tower, and similarly scaled public utilities/facilities, water tower, or other free-standing, nonresidential structure), provided that the addition of the antenna does not add more than twenty (20) feet to height to the original structure;

(b) Locating on existing towers. Installation of an antenna on an existing tower of any height, and the placement of additional buildings or other supporting equipment used in connection with such additional antenna, so long as the proposed additions would add no more than twenty (20) feet in height to the original height of the tower. The addition or modification, to the extent possible, should be designated to minimize visibility; and,

(c) For the purpose of co-location, the applicant must submit information from a licensed professional engineer certifying the capacity of the tower for additional providers and a letter of intent

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from the applicant indicating their intent to share space.

F. Other Requirements.

(1) *Wireless communications facilities placed on top of buildings.* When a wireless communications facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.

(2) *Wireless communications facilities placed on side of buildings.* Antennas which are side-mounted on buildings shall be painted or constructed of materials to match the color of the building material directly behind them.

G. Existing Towers. All existing towers may be replaced with the same type and height of tower structure as currently exists. All replacement towers shall comply with this Chapter. All existing guyed towers shall be subject to the following conditions:

- (1) A demolition permit shall be issued prior to a building permit being issued for the replacement tower;
- (2) The demolition permit shall expire within ninety (90) days and shall require the existing tower to be demolished within ninety (90) days from issuance of the building permit for the replacement tower.
- (3) The new tower shall be constructed as close as technically feasible to the existing tower.
- (4) Additional antennas may be installed on an existing tower of any height, and additional buildings or other supporting equipment used in connection with such additional antennas may be placed at the tower site so long as the proposed additions would add no more than twenty (20) feet to the original height of the existing tower. The addition or modification, to the extent possible, should be designed to minimize visibility.
- (5) The replacement structure may be increased in width to a maximum of thirty-six (36) inches. Existing guyed towers over thirty-six (36) inches shall not be increased in width with a replacement tower.

H. Abandoned antennas and towers. At such time that a licensed carrier abandons or discontinues operation of a wireless communication facility, such carrier will notify the City of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event the licensed carrier fails to give such notice, the wireless communications facility shall be considered abandoned upon such discontinuation of operations. Upon abandonment or discontinuation of use, the

carrier shall physically remove the wireless communications facility within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

- (1) Removal of antenna, equipment shelters, and security barriers from the subject property;
- (2) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations;
- (3) Restoring the location of the wireless communications facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

I. Notification of change of ownership/operator. Upon assignment or transfer of a conditional use permit, or any of the rights thereunder to a new wireless telecommunications operator, the owner or operator shall provide written notice within thirty (30) days to the Community Development Director.

SECTION 5A-505 TELEVISION AND RADIO BROADCAST TOWERS.

Television and radio broadcast towers are allowed on private property as a special use granted by the City Council in the Agricultural, Commercial, and Industrial Zoning Districts, in accordance with the provisions contained in this Chapter. The following design standards are the minimum criteria that must be met:

1. **CONSTRUCTION** - The Federal Communication Commission (FCC) must authorize the height of the television or radio tower. Towers up to 200 feet in height must be of a monopole design. Guyed structures are permitted if taller than 200 feet, provided engineering data is provided that shows a collapsed structure will be contained within the area of the guy wires, and the entire facility is located on the applicant's property.
2. **SETBACK** - The tower must observe a setback from any property line equal to one hundred twenty-five percent (125%) of the height of the tower, but not less than two hundred (200) feet. Guy wire anchors must be located at least twenty-five (25) feet from any common property line.
3. **APPEARANCE** - No lights, signals, or illumination shall be permitted on any tower unless required by the Federal Communication Commission (FCC), the Federal Aviation Administration (FAA), or any City agency. If lighting is required, only "dual lighting" shall be allowed (white lights during the day, red lights at night). All lighting shall be the least intrusive on nearby properties. No commercial advertising, signage, or flags shall be allowed on any tower. Towers and accessory facilities should be colored or painted in muted tones that minimize their visibility, unless otherwise required by the FCC or FAA.
4. **LOCATION** - Any tower in excess of two hundred (200) feet in height must be

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located at least one mile from any subdivision filed of record and served by public water and sewer systems.

5. **CO-LOCATION** - To minimize tower proliferation, all reasonable efforts should be made to co-locate facilities on existing or new towers. Provisions should be made on new television or radio towers to allow antennas for personal wireless service or mobile radio service systems.

6. **SITE DESIGN** - All proposed or contemplated structures, towers, parking, and fencing must be included on a proposed site plan, and particular attention should be paid to screening and landscaping which would mitigate any visually intrusive elements from nearby property owners.

7. **NOTICE** - Because of the potential visual impact of all broadcast towers, the notification area for any tower needing special use approval shall include all property owners within one-half (1/2) mile of the applicant's property.

8. **PROCEDURE AND CRITERIA** - The procedures and criteria set forth in Sections 501 through 504 of this ordinance, except as modified in this subsection, shall apply to television and radio broadcast towers.

SECTION 5A-506 HEIGHT OF COMMUNICATION TOWER.

Notwithstanding Section 6-3 of the Piedmont Zoning Ordinance, communication towers may exceed the height limitations of the zoning district in which located as provided in this ordinance.

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CHAPTER 6

FIRE PREVENTION CODE

Section 5-601	Adoption of fire code.
Section 5-602	Fire prevention.
Section 5-603	Amendments to fire code.
Section 5-604	Provisions declared to be minimum requirements.
Section 5-605	Modifications of the fire prevention code authorized.
Section 5-606	New materials, processes or occupancies which may require permits.
Section 5-607	Appeals.
Section 5-608	Life safety code adopted.
Section 5-609	Liquefied petroleum gas code adopted, penalty.
Section 5-610	Adoption of fuel gas code.
Section 5-611	Amendments to the fuel gas code.

SECTION 5-601 ADOPTION OF FIRE CODE.

That a certain document, copies of which are on file in the office of the City Clerk of the City of Piedmont, being marked and designated as the *International Fire Code, 2006 Edition*, including Appendix Chapters A and C through G, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Piedmont, Oklahoma, for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy or buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Fire Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, and changes, if any, prescribed in Section 5-603 of this ordinance.

SECTION 5-602 FIRE PREVENTION.

The fire prevention code shall be enforced by the division of fire prevention in the Fire Department, which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.

SECTION 5-603 AMENDMENTS TO FIRE CODE.

The following sections are hereby revised to read as follows:

Section 101.1 Insert: City of Piedmont, Oklahoma.

Section 109.3 Insert: \$200.00 - 0 days

Section 111.4 Insert: \$100.00 - \$200.00

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That the geographic limits referred to in certain sections of the 2006 *International Fire Code* are hereby established as follows:

Section 3204.3.1.1 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): within 300 feet of church, school, or residence.

Section 3404.2.9.5.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): within 300 feet of church, school, or residence.

Section 3406.2.4.4 (geographic limit in which the storage of Class I and Class II liquids in above-grounds tanks is prohibited): within 300 feet of church, school, or residence.

Section 3804.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): within 300 feet of church, school, or residence.

SECTION 5-604 PROVISIONS DECLARED TO BE MINIMUM REQUIREMENTS.

The provisions of the *Fire Prevention Code*, latest edition, in their interpretation and application, shall be held to be minimum requirements adopted for the promotion of public health, safety, and general welfare. Wherever any of the provisions or requirements of this code are inconsistent with the provisions of the City code or State statutes presently existing or enacted in the future, the provisions or requirements containing the most restrictive regulation shall apply and govern.

SECTION 5-605 MODIFICATIONS OF THE FIRE PREVENTION CODE AUTHORIZED.

The Fire Chief, with approval of the City Council, shall have the power to modify any of the provisions of the fire prevention code upon application in writing by the building owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modifications when granted shall be entered upon the records of the Fire Department, and a signed copy shall be furnished the applicant.

SECTION 5-606 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The Building Official, the Chief of the Fire Department, and the City Manager shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies which shall require

permits, in addition to those now enumerated in the code. The Fire Chief shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

SECTION 5-607 APPEALS.

Whenever the Fire Chief or his designee shall disapprove an application or refuse to grant a permit or license applied for, or when it is claimed that the provisions of the code do not apply, or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal to the Board of Adjustment of the City within thirty (30) days from the date of the decision appealed from.

SECTION 5-608 LIFE SAFETY CODE ADOPTED.

There is hereby adopted for the purposes of establishing rules and regulations for the protection of the public safety from the hazards of fire, smoke, fumes, etc., that certain code known as the *National Fire Protection Association Life Safety Code*, being particularly the latest edition thereof and the whole thereof, save and except such portions thereof as are hereinafter deleted, modified, or amended. Not less than one copy has been and now is filed in the office of the City Clerk. The code is hereby adopted and incorporated as fully as if set out at length herein.

SECTION 5-609 LIQUEFIED PETROLEUM GAS CODE ADOPTED, PENALTY.

A. *Pamphlet No. 58, Storage and Handling of Liquefied Petroleum Gases*, issued by the National Fire Protection Association, the latest edition thereof, is hereby adopted and incorporated herein by reference to govern liquefied petroleum gas.

B. It is unlawful for any person to manufacture, fabricate, assemble, install, or repair any system, container, apparatus, or appliance to be used for the transportation, storage, dispensing, or utilization of liquefied petroleum gas, or to transport, handle, or store such gas unless such person shall comply with all the provisions of State law and this chapter.

C. All persons, firms, corporations, or government entities which own or operate underground flammable or combustible liquid tanks and associated underground piping shall test the tanks and piping for tightness at least once per year. The test shall be witnessed and certified by the Fire Department. The test shall consist of five (5) pounds per square inch of pressure put on the tank and piping for a period of thirty (30) minutes. Any reduction of tank contents or loss of air pressure experienced during the test shall constitute test failure. The Fire Department shall then order the tank emptied and associated equipment shut down, until such time as the faulty equipment is repaired or replaced and retested.

SECTION 5-610 ADOPTION OF FUEL GAS CODE.

That a certain document, copies of which are on file in the office of the City Clerk of the City of Piedmont, being marked and designated as the *International Fuel Gas*

Code, 2006 Edition, including Appendix Chapters A through D, as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the City of Piedmont, Oklahoma, for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Fuel Gas Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, and changes, if any, prescribed in Section 5-611 of this ordinance.

SECTION 5-611 AMENDMENTS TO THE FUEL GAS CODE.

The following additions, insertions, and changes are adopted to the fuel gas code:

Section 101.1 Insert: City of Piedmont, Oklahoma.

Section 106.5.2 Insert: as adopted by Resolution of the City Council.

Section 106.5.3 Insert: 50% - 50%

Section 108.4 Insert: \$500.00 - 0 days

Section 108.5 Insert: \$500.00 - \$500.00

Building Regulations and Codes

CHAPTER 7

MOBILE HOME REGULATIONS

Section 5-701	Mobile home regulations adopted.
Section 5-702	Mobile home regulations, permits, anchoring.
Section 5-703	Use of recreational vehicles, travel trailers and mobile homes as temporary housing following a disaster.
Section 5-704	Penalty.

SECTION 5-701 MOBILE HOME REGULATIONS ADOPTED.

The city's mobile home and trailer regulations, as adopted by Ordinance No. 63, May 2, 1966, and all amendments thereto, is hereby adopted and incorporated herein by reference, applicable in the city as fully as if set out at length herein. (Prior Code, Sec. 23-1 to 23-88).

SECTION 5-702 MOBILE HOMEREGULATIONS, PERMITS, ANCHORING.

A. For the purpose of this section:

1. "Accepted engineering practice" means that which conforms to accepted principles, tests, or standards of nationally accepted technical or scientific authorities;

2. "House trailer" means the same as mobile home;

3. "Mobile home" means a structure of vehicular portable design, designed or manufactured for human occupancy, build on a chassis, designed to be moved from one site to another, and to be used with or without a permanent foundation, whether or not the wheels have been attached thereto or removed therefrom;

4. "Owner" means the person having possession or control of the land where a mobile home is located and shall include, but not be limited to, lessor, lessee, licensor or licensee; and

5. "Parking space for mobile home" means any tract or land where a mobile home is located for occupancy, or is connected to any utility service.

B. Except as provided in this section, the use of a house trailer or mobile home for human occupancy is prohibited unless the house trailer or mobile home is in a legally established and operated mobile home park, unless the use is authorizes by the zoning ordinances of the city, and unless the procedures for securing such occupancy authorizations have been complied with. Any occupancy in violation of this subsection shall also constitute a nuisance.

C. The owner of a tract of land containing five (5) acres or more within the city may secure a temporary permit not to exceed eighteen (18) months duration to place a house trailer or

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mobile home thereon and reside therein during the actual construction of a home on the tract on the following terms and conditions:

1. An application for such temporary permit may accompany the application for a building permit to construct the home on the premises or may be submitted after the building permit has been applied for or issued. In any event, the temporary permit shall not be issued unless or until a building permit has been secured for the premises;

2. In addition to the information ordinarily required for securing a building permit, there must be submitted to and approved by the building official plans and specifications for the home to be constructed, and also submitted satisfactory evidence that adequate arrangements have been made to finance the construction of the home and that actual construction will be commenced and prosecuted with reasonable diligence to its conclusion. In addition, any other reasonable requirement may be made to assure the good faith of the applicant before the temporary permit is issued;

3. When the construction of the home is completed, or if construction of the home is abandoned or is not being prosecuted with reasonable diligence, or if the property is sold, the temporary permit shall forthwith be terminated and the house trailer or mobile home must be removed from the premises;

4. The application shall be submitted and processed in the same manner as are application for building permits. A fee in the sum set by the city in addition to other fees shall be charged and paid when the application is made;

5. If the construction of the home is not complete within eighteen (18) months and the applicant is not in violation of this section, for good cause shown, the city may extend the permit for a reasonable period of time, and a fee shall be charged therefor and paid when the extension of time is permitted.

D. Every parking space for a mobile home shall be provided with devices for anchoring the mobile home to prevent overturning or uplift. The owner of the parking space shall anchor or cause to be anchored all mobile homes located on the parking space. Where concrete platforms are provided for the parking of the units, anchorage may be by eyelets embedded in the concrete with adequate anchor plats or hooks, or other suitable means. The anchorage of all mobile homes shall be adequate to withstand wind force and uplift as required by accepted engineering practices depending on the size and weight of the mobile home. (Prior Code, Secs.4-39 to 4-42.2)

SECTION 5-703 Use of travel trailers as temporary housing following a disaster.

A. The owner of a residence may obtain a permit to occupy a travel trailer for a temporary period when an unforeseen hazard involving a vehicular accident, fire, or natural disaster has made a single-family residence unsafe for occupancy.

B. An application for a permit for temporary occupancy shall be made by the owner within six (6) months from the date of the unforeseen hazard on a form approved by

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the City Manager, and shall include the following:

1. The name of the owner of the affected property, the street address of the affected property, the number of acres included in the affected property, and the current zoning of the affected property.

2. Three copies of a complete site plan illustrating the proposed location of the travel trailer, and showing the location thereof in relation to property boundaries and applicable set back lines.

3. Photographs of the travel trailer.

4. A statement affirming the owner's intention to rebuild the permanent residence on the affected property.

5. For owners of affected property seeking a permit as a result of the May 24, 2011 tornado to place a travel trailer on non-affected property, the address where the travel trailer will be placed and the name of the owner of such property.

6. Such other information as deemed necessary or appropriate by the City Manager.

C. Conditions.

1. The travel trailer must be placed on the property where construction is planned, and no portion thereof may be placed within ten (10) feet of a property boundary, beyond an applicable set back line, over a utility easement, or in the sight triangle of an intersection.

2. Permits for temporary occupancy may be issued only to the owner of the affected residence at the time of the unforeseen hazard. Only the owner of the affected residence and the owner's family may occupy a travel trailer or mobile home under a permit for temporary occupancy issued pursuant to this section. Provided, a permit may be obtained by an owner of a single-family residence rendered unsafe as a result of the May 24, 2011 tornado to place a travel trailer on unaffected property for a period not to exceed ninety (90) days from May 24, 2011 upon showing written consent of the owner of such unaffected property.

3. Permits for temporary occupancy are valid for up to twelve (12) months from the date of issuance. For good cause shown, the City Inspector may extend a permit for temporary occupancy for a period not to exceed six (6) months. An extension for more than six (6) months may be granted only upon approval of the City Council.

4. Only one permit for temporary occupancy is allowed for a property lying in a single-family zoning district, or on any tract of five (5) acres or less.

5. The travel trailer must be skirted where appropriate, and be in compliance with manufacturer safety requirements.

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6. The travel trailer shall contain a kitchen area and restroom facility.
7. Where available, municipal refuse, electric, water and sewer service shall be provided and connected to the travel trailer, as appropriate, during the period of temporary occupancy. Where the property is serviced by a septic or other private refuse system, the travel trailer shall be connected to such private sewer system during the period of temporary occupancy.
8. Permits for temporary occupancy shall terminate upon the occurrence of any of the following:
 - (a) Three months having passed since the date of issuance and no building permit being issued to rebuild or restore the primary residence on the property; provided, for good cause shown the City Inspector may extend this period for an additional three months.
 - (b) The primary residence having been restored or rebuilt to a point where it can be occupied.
 - (c) Two (2) years having passed from the date of issuance of the temporary permit.

SECTION 5-704 PENALTY

Any violation of the city's mobile home regulations is punishable as provided in Section 1-108 of this code. Each day such violation continues shall be a separate offense.

CHAPTER 8

POWER GENERATION TOWERS AND WIND GENERATORS

Section 5-801	Purpose & Intent
Section 5-802	Definitions
Section 5-803	Wind Energy Conversion Systems Not Requiring a Zoning Permit
Section 5-804	General Requirements for all Wind Energy Conversion Systems
Section 5-805	Required Permit
Section 5-806	Pre-Application Meeting
Section 5-807	Application Requirements
Section 5-808	Location of Systems
Section 5-809	Structure Design and Construction
Section 5-810	Height and Clearances of Systems
Section 5-811	Appearance and Visibility of all Wind Energy Conversion Systems
Section 5-812	Security of Wind Energy Conversion Systems
Section 5-813	Signage
Section 5-814	Lot Size and Setbacks
Section 5-815	Maintenance & Inspections
Section 5-816	Liability Insurance
Section 5-817	Removal of Wind Energy Conversion Systems
Section 5-818	Variations
Section 5-819	Penalty

SECTION 5-801 PURPOSE & INTENT.

The purpose of this Article is to regulate the placement, construction, and modification of Mini Wind Energy Conversion Systems (Mini WECS) and Small Wind Energy Conversion Systems (SWECS) in The City of Piedmont. All other Wind Energy Conversion systems are prohibited. The regulations set forth herein have been formulated to facilitate economic opportunities for the local economy and to protect the health, safety, and general welfare of the public as these improvements are commissioned. The provisions of this Article will:

1. Establish a reasonable and efficient process for the review and approval of Mini WECS and SWECS;
2. Prescribe required distances for setbacks for Mini WECS and SWECS from buildings, property lines, and easements;
3. Institute minimum performance regulations for Mini WECS and SWECS;
4. Create standards for the removal of Mini WECS and SWECS and their appurtenant structures.

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SECTION 5-802 DEFINITIONS.

For the purposes of this Ordinance, the defined words, terms, phrases, abbreviations, and their derivations shall have the meanings given in this section.

"Mini Wind Energy Conversion System" or "Mini WECS" means the system by which wind energy is converted to electricity using a wind turbine, tower, support system, blades, and associated control and conversion electronics which has a rated capacity less than ten (10) kW and a system height of not more than eighty (80) feet. For the purposes of this Ordinance, a roof-mounted structure shall be considered a Mini WECS if it meets the rated capacity and height requirements set forth in this Section. Only one (1) Mini Wind Energy Conversion System may be permitted per principle structure solely to serve that structure. Mini WECS shall be considered an accessory use in all Zoning Districts.

"Small Wind Energy Conversion System" or "SWECS" means the system by which wind energy is converted to electricity using a wind turbine, tower, support system, blades, and associated control and conversion electronics which has a rated capacity of less than, or equal to, one-hundred (100) kW and a system height of more than eighty (80) feet. Only one (1) Small Wind Energy Conversion System may be permitted per principle structure solely to serve that structure. SWECS shall be considered a Principally Permitted Use in all Agricultural, (A), and as a Conditional Use in all Residential, Commercial and Industrial zones.

"System" means Mini WECS and SWECS.

"Applicant" means the entity or person who submits to the City, pursuant to this Article, an application for the siting of any System.

"Financial Assurance" means an insurance performance bond or one irrevocable, unconditional letter of credit, either one of which must be obtained from a single financial institution licensed in the State of Oklahoma.

"Free Fall Area" means the area in the shape of a circle surrounding any System whose radius is the height of the structure plus ten percent (10%) of the height of the System or structure.

"Modification" means the addition, removal or change of any of the physical and visually discernable components or aspects of a System. A modification shall not include the replacement of any components of a System where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a System without addition, removal or discernable change.

"Operator" means the entity responsible for the day-to-day operation and maintenance of the System, including any third party subcontractors.

"Owner" means the entity or entities with an equity interest in the System, including their respective successors and assigns.

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"Permit" means a Permit issued by the City of Piedmont for the installation or modification of a System, unless specifically noted otherwise in this Article.

"Professional Engineer" means a qualified individual who is licensed as a Registered Professional Engineer in the State of Oklahoma.

"State" means the State of Oklahoma.

"System Tower" or "Tower" means the support structure to which the nacelle and rotor are attached, free standing or guyed structure that supports a wind turbine generator.

"Tower Height" means the distance from the rotor blade at its highest point to the top surface of the System foundation.

SECTION 5-803 WIND ENERGY CONVERSION SYSTEMS NOT REQUIRING A ZONING PERMIT.

Mini WECS or SWECS structures may be established to serve an existing agricultural use on lots five (5) acres or greater in size. These structures may not exceed eighty (80) feet in total height and must be situated eighty-eight (88) feet from both all property lines and overhead utility easements to be exempt from the provisions set forth later in this Article. Although a Zoning Permit may not be required for Mini WECS or SWECS and appurtenant structures of this type, a Building Permit is required and must be applied for and approved prior to any site work.

A Conditional Use Permit shall be required for all other Mini WECS or SWECS applications.

A maximum of one (1) Mini WEC or SWEC shall be permitted per principal structure.

SECTION 5-804 GENERAL REQUIREMENTS FOR ALL WIND ENERGY CONVERSION SYSTEMS.

The design and construction of all Systems shall meet the following standards:

1. All applicants shall construct, operate, maintain, repair, provide for removal of, modify or restore the permitted system in strict compliance with all current applicable technical, safety and safety-related codes adopted by the City of Piedmont, the State of Oklahoma, or the United States. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply;

2. All applicants shall obtain, at their own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the City of Piedmont or any other governmental entity or agency having jurisdiction over the applicant;

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3. All applicants shall notify the City of any intended modification of a System and shall apply to the City to modify the height, relocate or rebuild such structure;

4. All Systems shall conform to applicable industry standards of the American National Standards Institute (ANSI) and be approved by a wind certification program recognized by the American Wind Energy Association. All WECS that are over twenty-five (25) feet in height must be designed by a Registered Professional Engineer. The engineer must certify that the foundation and tower constructed for the System is within acceptable code and industry standards given local soil and climate conditions.

SECTION 5-805 REQUIRED PERMIT.

All applicants involving a new System, or an existing System that involves a new modification, are required to obtain the proper permit that is in accordance with the requirements of this Article. Agricultural installations described above are a Permitted Use. Conditional Use permits are required for all other Mini WECS or SWECS applications. All Systems that are considered Principally Permitted Uses shall be subject a Plot Plan Review by City Staff. If it is determined that the application meets the purpose and intent of this Article, the application shall be approved. If it is determined that the application does not meet the purpose and intent of this Article, the application shall be denied with the specific reasons detailed.

No System of any type shall be installed or constructed until the application is reviewed and approved by the City, and a permit has been issued. The City may at its discretion delegate or designate other official agencies to accept, review, analyze, evaluate and make recommendations with respect to the approval, or denial of proposed System. Any permit issued for a System shall not be assigned, transferred or conveyed without the express prior written notification to the City.

SECTION 5-806 PRE-APPLICATION MEETING.

Prior to the submittal of an application that does not involve a Mini WECS or SWECS structure exempt per Section 5-803, the applicant is required to contact the City and its designated representatives to schedule a pre-application meeting. The purpose of this meeting is to address potential issues, which will help expedite the review and permitting process. The pre-application meeting shall include a site visit, if there has not been a prior site visit for the proposed site. It shall also be determined at the pre-application meeting, the number of copies necessary for the applicant to submit a completed application. The applicant shall pay any and all costs that are associated with the preparation and attendance of the pre-application meeting.

SECTION 5-807 APPLICATION REQUIREMENTS.

All applications for Systems, or any modification of such facility, shall comply with the requirements set forth in this Section.

All applications shall be accompanied with a nonrefundable processing fee in an amount determined by Resolution of the City Council.

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Applications not meeting the requirements stated herein or which are otherwise incomplete, may be rejected by the City. The applicant shall be required to perform the following actions:

- Sign the application with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. Any individual signing the application shall be an authorized individual of the applicant. The landowner, if different than the applicant, shall also sign the application.

- Submit the following statement in writing:

"The proposed Wind Energy Conversion System shall be maintained in a safe manner, and in compliance with all conditions of the Permit, without exception, unless specifically granted relief by the City in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable City, State and Federal Laws, rules, and regulations."

All applications for the construction or installation of new Mini WECS or SWECS shall contain the information set forth in this Section. Where a certification is required, such certification shall bear the signature and seal of a Registered Professional Engineer. At the discretion of the City, any false or misleading statement in the application may subject the applicant to denial of the application without further consideration or opportunity for correction.

Applicants must submit all of the information required to assure that the installation or modification meet all City of Piedmont ordinances, rules and regulations which may require submissions to, hearings before, and approval of the Piedmont Planning Commission, Piedmont City Council or Piedmont Board of Adjustment.

Information that is also relevant to the following items must also be specifically supplied:

1. The location of all above-ground utility lines within a radius equal to two (2) times the height of the proposed WECS;
2. The location of all underground utility lines associated with the project site;
3. Dimensional representation of the structural components of the tower construction including the base and footings;
4. Manufacturer's specifications and installation and operation instructions or specific design information;
5. Certification by a registered professional engineer that the tower design, including all footers, is sufficient to meet all City, County, State, and Federal requirements;
6. Information relevant to any existing, or anticipated, access easements or utility easements;

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7. Acknowledgement that no appurtenances other than those associated with the wind turbine operations may be connected to any wind tower except with express, written permission by the Board of Adjustment;

8. Information as deemed necessary to determine that the installation or modification will not interfere with the peaceful enjoyment of property owned by others. Interference shall include, but not be limited to emission of noise that can be heard beyond the property line, reflections or shadowing.

SECTION 5-808 LOCATION OF SYSTEMS.

An application for a System may be approved in any zoning district of the City of Piedmont, provided that City officials find that the proposed site does not interfere with the health, safety and welfare of the City and its inhabitants and will not have a harmful effect on the nature and character of the community and neighborhood.

Notwithstanding that a potential application may require approval for a Conditional Use, the City may disapprove an application or revoke a permit for any of the following reasons:

1. Conflict with safety and safety-related codes and requirements;
2. Conflict with the historic nature or character of a neighborhood or historical district;
3. Conflict with a purpose of an existing, specific zoning or land use designation;
4. The placement and location of Wind Energy Conversion System which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the City, or employees of the service provider or other service providers;
5. Conflicts with the provisions of this ordinance;
6. Potential for creating or creating a nuisance;
7. Interference with the peaceful enjoyment of property owned by others.

SECTION 5-809 STRUCTURE DESIGN AND CONSTRUCTION.

The design and construction of all Systems shall meet the following standards:

1. The foundation and attachments shall meet all City, County, State and Federal structural requirements for loads, including wind and ice loads;
2. Systems, and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings.

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SECTION 5-810 HEIGHT AND CLEARANCES OF SYSTEMS.

No Mini WECS or SWECS System Tower constructed after the effective date of this Ordinance, including allowing for all attachments, shall exceed that height which shall permit operation without required artificial lighting of any kind in accordance with City, County, State, and/or any Federal statute, law, ordinance, code, rule or regulation.

The minimum distance between the ground or roof and any protruding blade(s) utilized on a Mini WECS or SWECS shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. This minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.

SECTION 5-811 APPEARANCE AND VISIBILITY OF ALL WIND ENERGY CONVERSION SYSTEMS.

All Systems and their appurtenant structures shall be designed to minimize the adverse visual impacts of its surroundings. Specifically:

1. Systems shall not be artificially lighted or marked, except as required by law.
2. All Systems and supporting structures must consist of a nonreflective, unobtrusive color usually gray or white. No advertising signage shall be permitted; however, the manufacturer's identification with ratings is allowed.
3. If lighting is required, the Applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.

SECTION 5-812 SECURITY OF WIND ENERGY CONVERSION SYSTEM.

All Systems and their appurtenant structures shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically, all Systems and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with.

SECTION 5-813 SIGNAGE.

All Systems and their appurtenant structures shall contain a sign no larger than four (4) square feet in order to provide the name(s) of the owner(s) and operator(s) of the WECS as well as emergency phone number(s). This sign shall be visible from the access point of the site and shall not be lighted, unless lighting is required by applicable law, rule or regulation. A four (4) square-foot warning sign concerning voltage must also be placed at the base of all pad-mounted transformers and substations in a conspicuous location. No other signage, including advertising, shall be permitted.

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SECTION 5-814 LOT SIZE SETBACKS.

All proposed Mini WECS or SWECS Systems shall be set back from abutting parcels, recorded rights-of-way and existing or anticipated access or utility easements by the greater of the following distances: A distance equal to the height of the proposed System's structure plus ten percent (10%) of the height of the supporting structure, or the existing setback requirement of the underlying zoning district, whichever is greater. Any accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

A minimum lot size of one (1) acre is required for all Mini WECS or SWECS.

A transfer of ownership of an adjacent lot, held in combination and under common ownership at the time of Mini WECS or SWECS System installation, shall include a grant of easement equal to the required off-site setback encroachment; approved by the City Manager or his designee; and recorded with the Canadian County Clerk's Office for parcels in Canadian County and with the Kingfisher County Clerk's Office for parcels in Kingfisher County to run with the deed.

SECTION 5-815 MAINTENANCE & INSPECTIONS.

The Piedmont Code Enforcement Officer shall be permitted upon the premises where any System is located for inspection. The owners or operators of a System that does not meet local, State, or Federal codes and regulations shall be notified in writing. Once notified in writing, the owner or operator of a System will be required to cure the violation or make any necessary repairs or alterations within thirty (30) days after receiving notice or within a longer period of time mutually acceptable to both parties. During this time period, the owner or operator of a System may retain a licensed third party professional engineer familiar with Systems to prepare and submit to the Piedmont Code Enforcement Officer a written report which addresses the repairs or alterations required, and which suggests alternate methods for addressing the concerns or provides evidence that said repairs or alterations are unnecessary. The City Manager or his designee will consider any such written report and determine whether the repairs or alterations should be made as originally requested, or as suggested in the written report.

SECTION 5-816 LIABILITY INSURANCE.

The owner or operator of any System will provide proof of liability coverage and shall maintain a current general liability policy covering bodily injury and property damage with dollar amount limits per occurrence, in the aggregate, and a deductible, which may from time to time be determined by Resolution of the City Council.

SECTION 5-817 REMOVAL OF WIND ENERGY CONVERSION SYSTEMS.

The holder of a permit for a System, or its successors or assigns, shall immediately dismantle and remove such facilities, and all associated structures, from the site and restore the site to as close to its original condition as is possible, if at any time any of the following apply:

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1. The system has been abandoned for a period of one hundred-eighty (180) days in any three hundred-sixty five (365) day period. For properties involving foreclosure, vacant residential structures, or for other unusual or extreme circumstances, a waiver may be requested to extend this time period. All waiver requests of this specific type must be submitted in writing to the City Manager or his designee and may be issued only if the waiver is determined to be necessary and if the requested waiver does not adversely affect the other requirements of this Article;

2. The system falls into such a state of disrepair that it creates a health or safety hazard;

3. The system has been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required permit, or any other necessary authorization;

4. The City Manager or his designee determines that the health, safety, and welfare interests of the City warrant and require the removal of the Wind Energy Conversion System.

SECTION 5-818 VARIANCES.

Any requirement of this Article may receive a variance by the Board of Adjustments if it is determined that such action is warranted given the nature of an individual project and such action will serve to preserve the purpose and intent of these regulations.

SECTION 5-819 PENALTY.

Any violation of this article shall constitute an offense and be punishable by a fine not to exceed the general penalty found in section 1-108 of the Piedmont Code of Ordinances.

Building Regulations and Codes

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